

1 MR. BEGLEITER: No, but, Your Honor, we will.

2 JUDGE SIPPEL: Okay.

3 MR. BEGLEITER: We will.

4 JUDGE SIPPEL: Be sure and ask that question
5 Monday. Start asking Monday. You might not have time to do
6 that today.

7 MR. HOLT: Well, actually --

8 JUDGE SIPPEL: Start asking on Tuesday.

9 MR. BEGLEITER: Well, we will see what we can do.

10 JUDGE SIPPEL: Okay.

11 MR. BEGLEITER: Your Honor, as far as we know,
12 we've given everything that we have.

13 JUDGE SIPPEL: All right. Well, if there's
14 another copy -- I understand what Mr. Holt's concern is. It
15 is conceivable that in the course of business -- this would
16 not be out of the ordinary -- that one or several of these
17 copies could be floating around Liberty that has somebody's
18 hand notations on it or what.

19 MR. BEGLEITER: It's conceivable. I doubt it, but
20 it's conceivable.

21 JUDGE SIPPEL: All right. I take you at your
22 representation. But let's just check it out.

23 MR. BEGLEITER: Okay.

24 JUDGE SIPPEL: Is that it?

25 MR. BEGLEITER: Do I object?

1 JUDGE SIPPEL: Do you object, yes?

2 MR. BEGLEITER: That's a good question, Your
3 Honor. I don't think I'm in the position to object, Your
4 Honor. So I'm not going to object.

5 JUDGE SIPPEL: All right. Well, we'll receive it
6 into evidence at this time. This is -- this is being marked
7 now and received into evidence as TW/CV Number 34. And that
8 is the memorandum dated April 28th, 1995 from Mr. Lehmkuhl
9 to Mr. Nourain and Mr. Price.

10 (The document referred to was
11 marked for identification as
12 TW/CV Exhibit Number 34 and
13 was received in evidence.)

14 Okay. Is that all the documents that you have
15 today?

16 MR. BECKNER: Yes, sir. That is.

17 JUDGE SIPPEL: All right. I'm not expecting to
18 see any more, but --

19 MR. BECKNER: Neither am I, but you never know.

20 JUDGE SIPPEL: What I mean to say is that you
21 may -- you may find during the course of the testimony that
22 there may be some areas that open up that have not been
23 anticipated. And you may want to bring in other documents
24 next week. I'm not inviting -- I'm not -- well, I am
25 inviting it when I say that, but I am not really -- I'm not

1 really anxious to see that happen. But if it -- what ever
2 happens, happens.

3 MR. BECKNER: Well, thank you, Your Honor. We've
4 made our best effort to try to be inclusive to avoid
5 disagreements down the road and claims that folks were being
6 surprised and ambushed and so on. Could I confer one second
7 with my colleague, Mr. Holt?

8 JUDGE SIPPEL: Yes, surely. I think everybody's
9 done a fine job this morning. Let's go off the record while
10 you consult.

11 (A discussion was held off the record.)

12 JUDGE SIPPEL: Back on the record.

13 MR. BECKNER: Yes, Your Honor, I don't have
14 anything further. I was reminded by Mr. Holt that when we
15 opened the proceeding, we didn't have all the counsel
16 identify themselves on the record. And I wondered if that
17 was something we ought to do before we go home today.

18 JUDGE SIPPEL: I think you can give -- when we go
19 off the record, just give all your names to the Reporter.

20 MR. BECKNER: Okay. I'd like the record to note
21 that counsel for RCN was present and at various times
22 conferred with counsel for Liberty during the course of
23 this.

24 JUDGE SIPPEL: Well, all right.

25 MR. BEGLEITER: Okay. It's true.

1 JUDGE SIPPEL: Then that's fine. If you want to -
2 - I mean, just give the information to the Reporter. And we
3 have nobody else. This is a public hearing so anybody can
4 come. All right. Then we're -- I think we're in -- I mean
5 procedurally, we're in -- logistically we're in good shape
6 to start at 10:00 tomorrow morning -- I'm sorry, Monday
7 morning.

8 Be sure to have the witness on the stand at 10:00
9 and have the exhibits on the stand at 10:00 because my main
10 interest is -- my main interest is getting the record
11 straight, but the witness is a big consideration. I don't
12 want a witness sitting there any longer than we have to.
13 And you're going to get copies made of -- I'm authorizing
14 the Reporter to release those -- your exhibits to you that
15 have been reorganized and remarked. And you will make
16 copies and get them -- make them available to everybody by
17 the end of the day.

18 MR. BECKNER: Yes. I'll do it as fast as I can.

19 JUDGE SIPPEL: All right. Well, in my situation,
20 don't -- don't try to get them to me until Monday morning.

21 MR. BECKNER: Okay. We'll -- we'll have somebody
22 come over here before 10:00 on Monday morning --

23 JUDGE SIPPEL: That will be fine.

24 MR. BECKNER: -- to bring your copy.

25 JUDGE SIPPEL: That will be fine. And does

1 anybody else have anything more now? All right. So let's

2 --

3 THE COURT REPORTER: I just have one question
4 here.

5 JUDGE SIPPEL: Well, you can do that off the
6 record.

7 THE COURT REPORTER: Okay.

8 JUDGE SIPPEL: Let's go off the record. We're in
9 recess. Thank you.

10 (Whereupon, at 1:11 p.m. on Friday, January 10,
11 1997, the hearing adjourned.)

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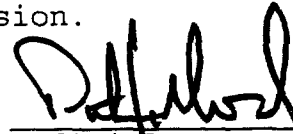
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CASE TITLE: Liberty Cable
HEARING DATE: January 10, 1997
LOCATION: Washington, D. C.

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